

Minutes from 12-10-07 NDICC meeting

Members present: Laura Larson, Roxane Romanick, Florence Hilzendeger, Karen Tescher, Tammy Gallup-Millner, Jill Staudinger, Lori Wentz, Judy Freund, Allison Dybing, Steve Olson, Brenda Patzner, Sen. Dick Dever, Dr. Linda Jagielo, Tracey Zaun, Scot Hoeper

Dana Lone Bear attempted to join the conference at the Minot site, but the polycom system went down during the meeting and we could not add another conference call line.

Additional persons present: Deb Balsdon, North Dakota Part C Coordinator
Missi Baranko, Region VIII Experienced Parent

This meeting was held via the North Dakota Human Services polycom system. The Fargo site needed to be connected via phone line as they could not hear the joint conversation. Shortly into the meeting, the entire system went down. We re-connected via conference call until about 3:00 p.m. when the system came back up.

Membership Update: Recommendations for the higher education position were requested. A suggestion of Sue Offutt from UND was made. Someone also made the suggestion of looking for someone in the nursing field. Presently, there are two names that have been submitted to the governor's office for a replacement for the Bismarck parent position and Minot is also looking at replacing the parent from their region. Jeanette Kohlberg will be resigning from the Department of Public Instruction (DPI) in January and a replacement from DPI will need to be submitted. Carla Kessel and Joann Hoesel have not received their appointments from the governor's office.

Part C Regulations: Deb Balsdon updated the council on the fact that the federal Office of Special Education Programs(OSEP) have not released the regulations from the 2004 reauthorization of the Individuals with Disabilities Education Act. Public comment was collected and there are projections that the regulations may be issued late summer or fall, 2007. Deb noted that the current regulations are 18 years old and relate back to the initial passage of the legislation. OSEP received over 3000 written comments on the draft regulations that were issued.

2008 Meeting Dates:

It was decided that we would meet an additional time to review the 2007 Annual Performance Report submission prior to the 2-1-08 submission deadline. This meeting will be held on Tuesday, January 22nd from 12:00 – 5:00 (CST) via the polycom system.

Below are the additional dates that were set for 2008:

March 6th and 7th – polycom
June 5th and 6th – Bismarck, face-to-face
September 4th and 5th – Bismarck, face-to-face
December 4th and 5th – polycom

Deb noted that we would need to check these dates against those dates set by the IDEA State Advisory Panel to make sure that they matched. She will do this and then get the dates to the council members.

Regional Determination:

Because the polycom system was down at this point, council members were unable to see the table that Deb had to share. This document will be sent out to the council members.

Based on the data that was used for the 2007 Annual Performance Report (this is data collected from July, 2005 – July 2006), seven of the eight regions fell into the “Needs Intervention” level of determination. One region fell into the “Needs Assistance” level. Deb described how the council’s recommendation was put into place regarding the determination system. Additional points were made available for anyone performing 95% or better in Indicator #1 and both Indicator #7 and Indicator #8 received additional points if they met the compliance data in all three areas of those two indicators.

The performance of the individual regions does not have to be submitted to the federal government nor does it need to be publicly reported at this time.

A question was asked about what type of corrective action plan needs to be in place. Deb responded a region’s quality improvement plan is considered their corrective action plan.

North Dakota’s 2007 Annual Performance Report (APR) Submission:

Deb reported to the council members that the 2007 APR is due to the federal government (OSEP) on 2-1-08. The data that is used for the reporting is from July, 2006 to June, 2007. The instructions from OSEP are that we do not report on any new findings of non-compliance in 2006-07 until the 2008 APR. This report must contain information about how findings found in the 2006 APR were addressed.

Deb reviewed the current format for compliance monitoring through the use of the case review tool at the regional level. Presently, a team at the regional level reviews a sample of IFSP’s (The sample is pre-determined by the state office and sent out to the regional programs) on a quarterly basis. A state review team

(primarily staff from North Dakota's Technical Assistance Program) reviews a certain number of the same cases and then several that the region doesn't review. A conference call is held with the regions following these calls to discuss any findings of non-compliance. OSEP has now stated that evidence of correction must occur at an individual case level and to any systemic issues that arise from a finding.

Deb is proposing that North Dakota change to a bi-annual review and allow regions the quarter following the review as a time to make individual and program corrections. Discussion followed about what correction at a local program level may look like. Programs will need to have a conversation with families about correcting problems on their case.

Council Suggestions:

- Consider the implications since the number of cases will be smaller if there are only two pulls versus four per year.
- Consider quarterly review for programs that are in their third year of Needs Intervention or are in Needs Significant Intervention.

Deb requested feedback from the committee on whether or not to look further into data on Indicator #1 – timely initiation of services. Presently, the data looks like the state has significantly improve (somewhere in the high 90%'s), but the number of cases where new services were started seems too low. While the original data results look promising, Deb is wondering about the interpretation of how data was to be collected.

Council Suggestions:

- Look further into this issue as it's critical to collect as accurate of a picture as we can.
- Review those cases where the case manager said that there weren't any new services.
- Set a deadline on having data back into the state.
- Consider the implications of getting staff to handle this at the local level – is this manageable?
- Consider what supports or information the regions need to clean up this data. Be prepared to provide this.

General consensus was to go back to the regions on this issue.

Deb requested feedback from the committee on whether or not to revise the way that we interpret the 90 day meeting for transition (Indicator #8). Presently our state is more stringent in requiring a 2 year, 7 month meeting as well as a 2 year, 9 month meeting. It is our expectation that an IEP is in place at the 2 year, 9 month meeting, so that we can honestly say that parents know what services and supports will be in place for their child at age 3. Federal interpretation would allow us to consider any type of meeting prior to the 90 days as meeting the requirement for the indicator.

Council suggestions:

- Do not consider loosening the standards – don't go backwards.
- Continuing to partner with Part B partners on making sure that this works for families
- Continue dialogue with Part B.

Deb noted that she will send out a rating scale to council members that will help us look at our current improvement activities on the State Performance Plan to decide if they are adequate in lieu of the current state of the data.

Council members were able to view the 2005 budget. Expenditures are current as of 10-07. There is roughly about \$644,000 left in the budget. Expenditures are able to be billed out until 12-31-07. Deb noted that they may ask for an extension of this from OSEP.

Current expenditures on the 2006 budget were not available. We are not currently using the 2007 allocation at this time.

2008 Application and Budget:

The Part C application is due into OSEP by May 5, 2008. This application contains the budget requests and must be put out for public comment for sixty days prior to submission. There was a discussion about whether to include a open public comment time in with our March meeting. No decision was made. Deb will tie in the budget discussion with the review of the 2007 Annual Performance Report for the January meeting instead of reviewing the 2008 budget and the APR data in isolation. It was requested that council members have access to the draft budget prior to the January meeting.

Agenda items for the March NDICC meeting:

- Presentation on the December OSEP national conference
- Review September, 2007; December, 2007, and January, 2007 minutes
- Review amended by-laws
- Update from NDICC Program and Services Subcommittee

Agenda items for the March Joint meeting:

- Update on the Early Learning Guidelines for 3 – 5 year olds
- Memorandum of Understanding – Early Childhood partners

Next meeting is scheduled for Tuesday, January 22nd from 12:00 – 5:00 (CST) via polycom.